

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT**

**JOHN J. BORDULIS, III,  
Plaintiff,**

**v.**

**MICHAEL J. ASTRUE, Commissioner,  
Social Security Administration,  
Defendant.**

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**File No. 1:12-cv-30-jgm**

**ORDER**

The Magistrate Judge's Report and Recommendation was filed October 10, 2012. (Doc. 13.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

Plaintiff's motion to reverse the decision of the Commissioner (Doc. 10) is GRANTED in part. The Commissioner's motion to affirm the decision (Doc. 11) is DENIED. This matter is REMANDED to the Administrative Law Judge for further proceedings, including reconsideration of Plaintiff's disability claim starting at step two, a new determination of his residual functional capacity, and a new decision.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 20<sup>th</sup> day of November, 2012.

/s/ J. Garvan Murtha  
Honorable J. Garvan Murtha  
United States District Judge